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[Additional Counsel on Signature Page]

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

IN RE ENPHASE ENERGY, INC. DERIVATIVE  
LITIGATION

LEAD CASE NO. 3:20-cv-04623-BLF

**JOINT NOTICE OF RELATED CASE  
AND STIPULATION AND  
~~PROPOSED~~ ORDER ON  
CONSOLIDATION**

1           **WHEREAS**, on November 18, 2020, Plaintiff Anthony R. Buch (“Plaintiff Buch”) filed  
 2 a verified stockholder derivative complaint purportedly on behalf of Enphase Energy, Inc.  
 3 (“Enphase”) against Badrinarayanan Kothandaraman, Eric Branderiz, Mandy Yang, Steven J.  
 4 Gomo, Benjamin Kortlang, Richard Mora, and Thurman J. Rodgers (collectively, the “Individual  
 5 Defendants”), and with Enphase, “Defendants”), captioned *Buch v. Kothandaraman*, Case No.  
 6 3:20-cv-08131-AGT (the “Buch Action”);

7           **WHEREAS**, the allegations in the Buch Action are substantially similar to the  
 8 allegations raised in a securities class action captioned *Hurst v. Enphase Energy, Inc.*, Case No.  
 9 5:20-cv-04036-BLF (the “Hurst Action”), as well as two previously filed verified derivative  
 10 actions, which, on November 20, 2020, the Court consolidated and appointed co-counsel (the  
 11 “Consolidated Action”) (Dkt. No. 31) (the “Order”);

12           **WHEREAS**, pursuant to Paragraph 9 of the Court’s Order, Defendants and Plaintiff  
 13 Buch, respectfully submit this Joint Notice of Related Case and Stipulation on Consolidation and  
 14 contend that this case should be related to and formally consolidated into the Consolidated  
 15 Action;

16           **WHEREAS**, pursuant to paragraph 10 of the Court’s Order, Defendants and Plaintiff  
 17 Buch agree that the terms of the order entered in *Shen v. Kothandaraman*, Case No. 3:20-cv-  
 18 04623-CRB (the “Shen Action”), on September 24, 2020 staying the Shen Action pending  
 19 resolution of the motion to dismiss in the related Hurst Action, shall also apply to the Buch  
 20 Action. For the avoidance of doubt, Defendants shall not be required, during the pendency of the  
 21 stay, to respond to any complaint or amended complaint filed in the Consolidated Action, the  
 22 Buch Action, or any action later consolidated into the Consolidated Action;

23           **WHEREAS**, the Individual Defendants hereby accept service of the complaint filed in the  
 24 Buch Action, provided, however, that the acceptance of service shall not waive any rights, claims  
 25 and defenses other than a defense as to the sufficiency of service;

26           **WHEREAS**, this Joint Notice and Stipulation is without prejudice to any and all other  
 27 defenses Defendants may assert in this or any of the above-referenced actions, including, but not  
 28 limited to, jurisdictional defenses such as *forum non conveniens* and improper venue, or any

other procedural or substantive challenge to the Consolidated Action, and without prejudice to any and all claims Plaintiff Buch may assert.

**IT IS ACCORDINGLY STIPULATED**, by and between the undersigned counsel for Defendants and Plaintiff Buch, and subject to approval by the Court, that:

1. The stay of proceedings ordered in the Shen Action is temporarily lifted for the sole and limited purpose of the filing of, and ruling on, this stipulation and [proposed] order.

2. The Buch Action is hereby consolidated into the Consolidated Action for all purposes, including pre-trial proceedings and trial, pursuant to Federal Rule of Civil Procedure 42(a).

3. All other terms of the Order in the Consolidated Action, Dkt. No. 31, shall continue to apply to the Consolidated Action now including the Buch Action.

Dated: December 1, 2020

LATHAM & WATKINS LLP

By /s/ Colleen C. Smith  
Colleen C. Smith

Attorneys for Defendants

Dated: December 1, 2020

EDELSON LECHTZIN LLP

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Pursuant to Civil L.R. 5-1(i)(3), all signatories concur in filing this Joint Notice and Stipulation.

/s/ Colleen C. Smith  
Colleen C. Smith

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: December 2, 2020



The Hon. Beth Labson Freeman  
United States District Judge